

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JATIEK SMITH et al.,

Defendants.

22-cr-352 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

The Court has received two pro se filings from defendant Jatiek Smith, dated September 28, 2023, and October 6, 2023. Mr. Smith, although offered the opportunity to proceed pro se, has chosen to be represented by appointed counsel, Jonathan P. Buza.¹ Accordingly, the Court has warned Mr. Smith that such pro se filings are not permitted and all applications must be made through his counsel. As the Second Circuit has made clear, "[a] defendant has . . . no right to 'hybrid' representation in which he is represented by counsel but supplements his lawyer's work with selected pro se submissions." *United States v. Hage*, 74 F.4th 90, 93 (2d Cir. 2023).

Mr. Smith's latest submissions will therefore be treated as nullities, and the Clerk is directed not to file them on the docket.

¹ Mr. Buza is the sixth attorney to appear for Mr. Smith in this matter. Mr. Smith was originally represented by two attorneys that he had retained, but had a falling out with each, and CJA counsel was subsequently appointed. See Dkt. 58; November 21, 2022 Minute Entry. His initial CJA counsel was forced to withdraw for medical reasons. See Dkt. 213. With the consent of Mr. Smith, the two subsequently appointed CJA attorneys appointed to represent Mr. Smith were also granted permission to withdraw, leading to the appointment of Mr. Buza. See Dkt. 248.

Nevertheless, as a courtesy to Mr. Smith, the Court will forward copies of his submissions to his counsel so that Mr. Buza is apprised of these improper filings.

SO ORDERED.

New York, NY
October 10, 2023



JED S. RAKOFF, U.S.D.J.